

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>CHERYL L. KELSEY,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>CIVIL ACTION NO.</b>
	§	<b>SA-13-CA-00383-FB</b>
<b>TEXAS A&amp;M UNIVERSITY -</b>	§	
<b>SAN ANTONIO,</b>	§	
<b>Defendant.</b>	§	

**PLAINTIFF'S DESIGNATIONS**

Pursuant to the Scheduling Order, Plaintiff Cheryl L. Kelsey files Plaintiff's Designations:

**A. Potential Witnesses**

1. *Dr. Cheryl L. Kelsey*, Plaintiff. Knowledge of her claims and damages.
2. *Dr. Brent Snow*, Provost and Vice President for Academic Affairs, Texas A&M University-San Antonio. Knowledge of Plaintiff's complaint and the factual circumstances giving rise to her allegations; knowledge related to Kearney's raise, Kelsey's raise and promotion, and Herrington's salary.
3. *Mr. Douglas Carter*, Assistant VP for University Relations, Texas A&M University-San Antonio. Knowledge of the internal investigation of Plaintiff's complaints.
4. *Dr. Albert Valadez*, Professor and Chair, Department of Leadership and Counseling, Texas A&M University-San Antonio. Knowledge of the department as Department Chair.
5. *Dr. Suzanne Mudge*, Associate Professor and Program Director, Acting Head, Department of Leadership and Counseling, Texas A&M University-San Antonio. Knowledge of the department as Acting Department Head.
6. *Dr. Wovek Sean Kearney*, Assistant Professor, Department of Leadership and Counseling. Texas A&M University-San Antonio. Shared with Plaintiff the steps he took resulting in a salary increase; knowledge of his experience and academic accomplishments.
7. *Dr. David Herrington*, Professor and Program Director, Department of Leadership and Counseling, Texas A&M University-San Antonio. Knowledge of his experience and academic accomplishments.
8. *Dr. Carolyn Green*, Director, Center for IT and Cyber Security, Associate Professor, Former Dean of Academic Affairs, Texas A&M University-San Antonio. Knowledge of hiring Plaintiff and other faculty; denied Plaintiff's request for early promotion.
9. *Dr. Jennifer Wilson*, Associate Professor, Education and Kinesiology, Texas A&M University-San Antonio. Received an out of state job offer. She met with the Provost and asked for a minimum raise of \$1,000 to stay at A&M. Her salary was \$52,020 dollars which was less than the lowest paid male in her program. She was denied and told by the Provost that she could resign.

10. Individuals disclosed by Defendant:

*Dr. Maria H. Ferrier*

*Dr. Charles G. Rodriguez*

*Dr. Tracy Hurley*

*Karen Gilbert*

*Jose Garcia*

*Dr. Eric Lopez*

*Marilu Reyna*

*Dr. Joni Baker*

*Brian Ridenour*

*Dr. Holly Verhasselt*

**B. Testifying Experts**

*Malinda A. Gaul*, Attorney for Plaintiff, Gaul and Dumont, 924 Camaron Street, San Antonio, Texas 78212, 210-225-0685. Knowledge of reasonable and necessary attorney's fees.

**C. Proposed Exhibits**

1. Job posting used by committee to hire Plaintiff, Kearney and Herrington (03/01/09)
2. Plaintiff's annual performance evaluations from 2009-2013 including student comments
3. Plaintiff's vita from 2009-2013 including documentation representative of scholarly, teaching, and service accomplishments
4. Communication written by Dr. Beto Gonzalez, Dr. Brent Snow, and Dr. David Herrington regarding promotion and tenure for Plaintiff
5. Letter from Dr. Snow to Plaintiff regarding salary increase of \$4500.00 due to "difficult economic times" (08/23/11)
6. Letters from Dr. Valadez and Dr. Garcia to Dr. Snow noting their reasons for recommending an increase in salary for Dr. Kearney (08/26/11)
7. Plaintiff's formal complaint
8. Documents provided by Plaintiff to EEOC and Mr. Carter regarding allegations in this lawsuit
9. Memorandum to Dr. Hurley from Mr. Carter (08/1/12)
10. Responses from Defendant to charges including exhibits
11. Vitas posted for Kelsey, Kearney, and Herrington on the University website for 2010-2011
12. Publication list provided by the Leadership and Counseling Department (2009-2011)
13. Guidelines for publications including cost per page for the National Forum of Teacher Education Journal, John Ben Sheppard of Practical Leadership, Journal of Border Educational Research and the Instructional Journal
14. Website information regarding authorship of the text, *Applications of Educational Research and Basic Statistics*
15. Publications jointly authored by Kearney, Kelsey, and Herrington
16. Faculty Salary Information from the Office of the Provost and Vice President for Academic Affairs (07/11/2012)
17. System policy 12.07 regarding fixed term academic profession track faculty
18. Accountability report posted for Texas A&M University-San Antonio for Fall, 2011

19. Letter from Texas A&M University regarding 5% across the board raise
20. The Texas Tribune, Government Employee Salaries, Texas A&M University-San Antonio (updated on February 25, 2011) and the Texas Tribune, Government Employee Salaries, Texas A&M University-San Antonio (updated on January 1, 2012)
21. Guidelines used to award the Teaching Excellence Award
22. Minutes submitted by Dr. Villegas regarding faculty involvement in the Models of Success program (August 3, 2011)
23. Agenda for Orientation Session for Models of Success program identifying Plaintiff as a University liaison (August 5, 2011)
24. Memo from Dr. Valadez thanking the participants in the Models of Success Preparation Initiative (October 22, 2011).

Respectfully submitted,

LAW OFFICES OF  
GAUL AND DUMONT  
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By: /s/ **Malinda A. Gaul**  
MALINDA A. GAUL  
State Bar #08239800  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of February, 2014, I electronically filed the above and foregoing *Plaintiff's Designations* with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Amanda J. Cochran-McCall  
Assistant Attorney General  
Office of the Attorney General  
General Litigation Division  
P. O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

/s/ **Malinda A. Gaul**  
MALINDA A. GAUL